

RECEIVED
CENTRAL FAX CENTER

OCT 26 2006

LAW OFFICES
LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
CHICAGO, ILLINOIS 60601-6780

TELEPHONE: (312) 616-5600

FAX: (312) 616-5700 (G3)
(312) 849-0495 (G4)

FAX TRANSMITTAL SHEET

DATE: ~~AUGUST 14, 2006~~

October 26, 2006

NUMBER OF PAGES (INCLUDING
THIS FAX TRANSMITTAL SHEET): 19

LVM REFERENCE: 216180

FROM: MELISSA E. KOLOM

DIRECT LINE: (312) 616-5600

REGISTRATION NO. 51,860

TO: MAIL STOP AMENDMENT
UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

FAX NUMBER: (571) 273-8300

IN RE APPLN. OF: GRABOWSKI ET AL.
APPLICATION NO. 10/088,966
FILED: MARCH 22, 2002
FOR: NUCLEIC ACID MOLECULES FOR DETECTING BACTERIA AND
PHYLOGENETIC UNITS OF BACTERIA
EXAMINER: HEATHER CALAMITA

ATTORNEY DOCKET: 216180

ATTACHED PLEASE FIND THE FOLLOWING DOCUMENTS:

1. REPLY TO OFFICE ACTION TRANSMITTAL (1 PG. W/ DUPLICATE COPY)
2. REPLY TO OFFICE ACTION (11 PGS.)
3. CHRISTOPHERSON ET AL., *NUCLEIC ACIDS RESEARCH*, 25(3): 654-658 (1997) (5 PGS.)

A confirmation copy of the transmitted document will:

☒ Not be sent. This will be the only form of delivery of the transmitted document.

The information contained in this fax transmission is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended or an authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or fax. Thank you.

FORM PTO-1083

OCT 26 2006

PATENT

Attorney Docket No. 216180

Client Reference No. PA30882USF2015pau

Date: August 14, 2006

In re Application of: Grabowski et al.

Application No. 10/088,966

Filed: March 22, 2002

For: NUCLEIC ACID MOLECULES FOR THE DETECTION OF BACTERIA AND PHYLOGENETIC UNITS

OF BACTERIA

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a reply to office action in the subject application.

☐ Small entity status is claimed for this application under 37 CFR 1.27.☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.☒ Other: Christopherson et al., *Nucleic Acids Research*, 25(3): 654-658 (1997).☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

TIME EXTENSION PETITION FEE					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
Two-month					\$ 0.00		\$450.00	
subtract time extension fee previously paid					none		(\$ 0.00)	
					(\$ 0.00)		(\$ 0.00)	
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL	10	MINUS	21	= 0	x 25 =	\$	x 50 =	\$0.00
INDEPENDENT	4	MINUS	4	= 0	x 100 =	\$	x 200 =	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE CLAIM					+ 180 =	\$	+ 360 =	\$
TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT					TOTAL	\$	TOTAL	\$450.00

☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT & MAYER, LTD.

Leydig, Voit & Mayer, Ltd.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

By

Melissa E. Kolom, Reg. No. 51,860

**RECEIVED
CENTRAL FAX CENTER**

OCT 26 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/088,966

Applicant: Grabowski et al.

Filed: March 22, 2002

TC/AU: 1637

Examiner: Heather Calamita

Docket No.: 216180 (Client Reference No. PA30882USFZ015pau)

Customer No.: 23460


Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**REPLY TO OFFICE ACTION**

Sir:

In reply to the Office Action dated April 6, 2006, please enter the following amendments and consider the following remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number <input type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input checked="" type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Melissa E. Kolom		
Signature		Date	August 14, 2006